

UNITED STATES DISTRICT COURT
for the
District of Maryland

United States of America

v.

Darius Raymond Stewart

)
Case No.
)
)
)
)
)

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Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of _____ in the county of _____ in the
District of Maryland, the defendant(s) violated:

Code Section

Title 18 U.S.C. § 844(i)

Offense Description

Malicious Destruction of a Building Used in Interstate Commerce by Fire

FILED _____ ENTERED _____
LOGGED _____ RECEIVED _____

SEP 24 2015

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY DEPUTY

This criminal complaint is based on these facts:

See Attached Affidavit.

Continued on the attached sheet.

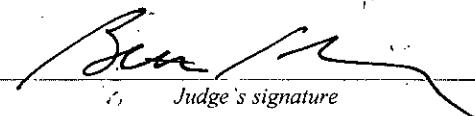

Complainant's signature

TFO Dexter Hodges, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 9 - 24 - 15


Judge's signature

Beth P. Gesner, U.S. Magistrate Judge

Printed name and title

City and state: Baltimore, Maryland

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**ATTACHMENT A
AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

Your affiant, Dexter Hodges, Task Force Officer with the United States Department of the Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), submits this affidavit in support of a criminal complaint for the following individual:

Darius Raymond STEWART
(B/M, Date of Birth: XX/XX/1994, SSN#: XXX-XX-2364)

Because this affidavit is being submitted for the limited purpose of establishing probable cause for a criminal complaint I have not included every detail of every aspect of the investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause. The information contained in this affidavit is based upon my personal knowledge, my review of documents and other evidence, and my conversations with other law enforcement officers, and other individuals. All conversations and statements described in this affidavit are related in substance and in part, unless otherwise indicated.

Based on the information herein, your affiant submits that there is probable cause that **Darius Raymond STEWART** committed the offense of the Malicious Destruction of a Building Used in Interstate Commerce by Fire, in violation of Title 18 U.S.C. § 844(i).

AFFIANTS' EXPERTISE

1. Your affiant, Task Force Officer (TFO) Dexter Hodges, of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, being duly sworn, deposes and says that he is a law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, federal felony offenses.
2. Your affiant has been a TFO with ATF for approximately 2.5 years, assigned to the Arson and Explosives Group I, in Baltimore, Maryland. Your affiant has conducted numerous state and federal arson investigations. Your affiant is also a detective for the Maryland State Fire Marshal's Office, an agency within the Maryland Department of State Police. Your affiant is a certified law enforcement officer through the Maryland Police Training Commission. Your affiant has received extensive training in the determination of the origin and cause of fires. Further, your affiant is certified as a fire investigator through University of Maryland Fire and Rescue Institute Pro Board.
3. Previously, your affiant was a firefighter with Montgomery County Fire Rescue Service (MCFRS) in Rockville, MD for over eight years. While with MCFRS, your affiant also

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assisted in fire investigations as an Assistant State Fire Marshal. Additionally, your affiant has participated in numerous classes and seminars related to the field of fire, arson and post blast investigations.

4. The investigation detailed in this affidavit is being conducted by the ATF. The ATF is responsible for conducting investigations involving firearms trafficking, arson and explosives incidents, cigarette smuggling, investigating cases of fraud, and money laundering, all to ensure public safety.

RELEVANT FACTS

5. On April 27, 2015, during a period of civil unrest related to the death of Freddie Gray, a fire occurred at Fireside Liquor Store, located at 2201 West North Avenue, Baltimore, Maryland 21216. Fireside Liquor Store is a liquor store selling spirits, wine, and alcohol. Many of said products having traveled in interstate commerce.
6. At approximately 8:33 p.m., the first 911 caller notified the Baltimore City Fire Dispatch of the fire. The 911 caller stated that looters had set the building on fire and there was at least one person inside.
7. Baltimore City Fire Department (BFD) responded to the scene to discover a small trash can on fire inside the store. At approximately 8:54 p.m., BFD units were dispatched to another fire at the same location, where they responded and extinguished the fire. During suppression efforts, BFD personnel discovered one unconscious victim, Allen Hicks (DOB XX/XX/1980), in the basement of the building. The damage caused by the fire was extensive and it is estimated that it will cost approximately \$350,000 to repair/restore the building.
8. Hicks said he was in the liquor store looking for his brother, who was looting inside. He said the building was on fire and filled with smoke, as he searched. Hicks said during the search, he fell through a trap door that led from the first floor to the basement. Further investigation revealed Hicks was transported to University Hospital (Shock Trauma) and treated for smoke inhalation and CO₂ poisoning. Hicks was hospitalized for one week.
9. Review of Fireside Liquor store surveillance interior cameras captured a black male wearing camouflage pants, a dark jacket with orange lining, and a skull cap/winter hat intentionally setting multiple fires within the store.
10. Subsequent cause and origin analysis by fire investigators from ATF, BFD, BPD and the Office of the State Fire Marshal (OSFM), discovered the multiple areas of origin within the store, consistent with the locations observed on the surveillance footage.

11. Store owners, John Han Chae and Han Bok Chae said on the day of the incident, a group of approximately 20 to 30 people entered their business and started banging on the bulletproof Plexiglass with pipes and crowbars. The group was chased off by a member of the community.
12. The owners stated a second wave of people, approximately 150, then entered the business and started ransacking and looting the business. John was assaulted (head injury requiring stitches) and was eventually rescued by police. Baltimore CitiWatch surveillance footage captured individuals robbing and repeatedly assaulting John as he was outside his store while it was being looted.
13. Han was robbed but fled into the store and was able to hide on the enclosed front porch. While Han was hiding, he became aware of a fire inside the building. Han was able to escape the building through a back door to the roof. He jumped down off the roof and escaped in his vehicle. Han suffered an injury to his ankle while escaping the fire.
14. Your affiant, along with ATF Special Agent (SA) Jeff Silver, continued the investigation and efforts to identify the arsonist. In response to a reward poster which contained a photo of the black male who set the fires on the surveillance recording, a Confidential Source (CS 1) contacted ATF and identified the subject as Darius STEWART. CS 1 stated that STEWART is known to him/her through occasional work, as well as through a mutual acquaintance. CS 1 said STEWART was raised by a foster parent, and that his/her mutual acquaintance occasionally allowed STEWART to stay at her house (2109 McCulloh St., Baltimore, MD) whenever STEWART did not have a place to stay.
15. Your affiant and SA Silver made contact with two (2) additional confidential sources (CS 2 and CS 3), who were observed on CitiWatch cameras in the vicinity of 2201 West North Avenue, just prior to the fires being set at Fireside Liquor Store. The footage captured STEWART as he appeared to be in the area behind CS 2's vehicle. Further investigation determined CS 2 was an associate of STEWART'S who had known him for many years and that CS 3 knew of STEWART due to CS 3's association with CS 2. Both CS 2 and CS 3 positively identified STEWART from the various CitiWatch cameras surveillance footage. In addition, both CS 2 and CS 3 positively identified STEWART's clothing from the CitiWatch surveillance cameras footage as well as the interior surveillance cameras footage from Fireside Liquor Store of the individual setting the fires inside the store. CS 3 identified STEWART from the Fireside Liquor Store surveillance camera footage, while CS 2 indicated it "could be" STEWART.
16. Through a records check, your affiant was able to identify a recent known photograph of STEWART from Baltimore City Police (BPD) Central Booking photos. Your affiant has compared this photograph with the images of the individual depicted on the surveillance recordings and has determined that they are one in the same person.

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17. Further investigation revealed an open (Baltimore City) arrest warrant for STEWART. On April 22, 2015, STEWART was charged with Assault-Second Degree, Arson/Threat and Malicious Destruction of Property (\$1000). CS 1 said the incident involved STEWART stealing and damaging property of the complainant.
18. On Friday, September 18, 2015, CS 1 said STEWART was forced to move out of 2109 McCulloh St. and now lives with another female in the Whitelock neighborhood of Baltimore City.

CONCLUSION

19. Based upon the foregoing, I submit that there is probable cause to issue a criminal complaint and arrest warrant for **Darius STEWART**, charging him with Malicious Destruction of a Building Used in Interstate Commerce by Fire, in violation of Title 18 U.S.C. § 844(i).



Dexter Hodges
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed and sworn to before me this 24th day of September, 2015, in Baltimore, MD.


Beth P. Gesner
United States Magistrate Judge